

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

JOANN WRIGHT HAYSBERT,

Plaintiff,

v.

Civil Action No. 4:20-cv-121

BLOOMIN' BRANDS, INC., *et al.*,

Defendant.

**ORDER**

This matter is before the Court on Interested Party Nazareth M. Haysbert's Motion to Strike, or in the Alternative, for Leave to File Response to Defendants' Supplemental Motion for Sanctions and Memorandum in Support ("Motion"). ECF No. 370. For the reasons stated below, the Court GRANTS IN PART and DENIES IN PART the Motion.

First, Haysbert moves to strike portions of Defendants' Supplemental Motion for Sanctions Against Attorney Haysbert ("Supplemental Brief"), ECF No. 369, as an unauthorized filing in violation of Local Civil Rule 7(F)(1). Mot. at 2–8. At the first sanctions hearing held on May 15, 2024, the Court gave the parties leave to file supplemental briefing before a second sanctions hearing. The Court gave leave to counsel for both parties to submit additional briefing on any issues raised during the hearing, as they deemed prudent. Mots. Hr'g Tr. at 77:5–8, 78:23–79:3, ECF No. 367. Accordingly, the Court DENIES Haysbert's motion to strike portions of Defendant's Supplemental Brief. *See* Mot. at 1–8.

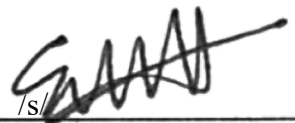
Nevertheless, the Court finds it appropriate to provide Haysbert an opportunity to respond to Defendants' Supplemental Brief. *See In re Cohen v. Fox*, Nos. 94-2652, 95-1008, 1997 WL 577583, at \*3 (4th Cir. 1997). In addition to the briefing on the standard of proof, Defendants'

Supplemental Brief provides more detailed arguments and citations in support of sanctions, which go beyond Defendants' original sanctions motion. *See* Suppl. Br. at 4–26; Defs.' Mem. Law Supp. Mot. Sanctions Against Attorneys Haysbert & McKelvey, ECF No. 327. In the interest of fairness, the Court GRANTS Haysbert's motion for leave to file a response to Defendants' Supplemental Brief. *See* Mot. at 9. Haysbert is ORDERED to file any response no later than Monday, July 1, 2024.

The Court CONTINUES the sanctions hearing to Monday, July 8, 2024, at 1:00 p.m., via Zoom.

It is SO ORDERED.

Date: June 12, 2024  
Newport News, Virginia

  
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/s/ Elizabeth W. Hanes  
United States District Judge